

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|                                |   |                                    |
|--------------------------------|---|------------------------------------|
| <b>TruePosition, Inc.,</b>     | ) |                                    |
|                                | ) |                                    |
| <b>Plaintiff/</b>              | ) |                                    |
| <b>Counterclaim-Defendant,</b> | ) |                                    |
|                                | ) | <b>Civil Action No. 05-747-SLR</b> |
| <b>v.</b>                      | ) |                                    |
|                                | ) |                                    |
| <b>Andrew Corporation,</b>     | ) |                                    |
|                                | ) |                                    |
| <b>Defendant/</b>              | ) |                                    |
| <b>Counterclaim-Plaintiff.</b> | ) |                                    |
| _____                          | ) |                                    |

**TRUEPOSITION'S MOTION FOR ENHANCED DAMAGES AND ATTORNEYS' FEES**

TruePosition, Inc. respectfully moves this Court, pursuant to 35 U.S.C. § 284, to enhance the jury's compensatory damages award by a factor of three. TruePosition also respectfully moves this Court, pursuant to 35 U.S.C. § 285, to classify this case as exceptional and award TruePosition its attorneys' fees, disbursements and expert witness fees.

The grounds in support of this motion are set forth in the accompanying memorandum in support of this motion, which is incorporated herein by reference.

Respectfully submitted,

DATED: October 1, 2007

By: /s/ James D. Heisman  
CONNOLLY BOVE LODGE & HUTZ LLP  
James D. Heisman, Esq. (#2746)  
1007 N. Orange Street  
P.O. Box 2207  
Wilmington, DE 19899  
Telephone: (302) 658-9141  
Facsimile: (302) 658-5614

WOODCOCK WASHBURN LLP  
Paul B. Milcetic, Esq. (pro hac vice)  
Dale M. Heist., Esq. (pro hac vice)  
Kathleen A. Milsark, Esq. (pro hac vice)  
Daniel J. Goettle, Esq. (pro hac vice)  
Amanda M. Kessel, Esq. (pro hac vice)  
Cira Centre, 12<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA 19104  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439

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| <b>Andrew Corporation,</b>     | ) |                                    |
|                                | ) |                                    |
| <b>Defendant/</b>              | ) |                                    |
| <b>Counterclaim-Plaintiff.</b> | ) |                                    |
| _____                          | ) |                                    |

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, upon consideration of TruePosition's Motion for Enhanced Damages and Attorneys' Fees, together with the supporting memorandum and all opposing papers thereto, it is hereby ORDERED that TruePosition's motion is GRANTED as follows:

- a. The jury's award of damages due TruePosition from Andrew's willful infringement of \$45,300,000 (D.I. 293) is increased by a factor of three to \$135,900,000; and
- b. TruePosition is awarded its reasonable attorneys' fees, disbursements and expert witness fees in the amount of \_\_\_\_\_.

BY THE COURT:

\_\_\_\_\_  
The Honorable Sue. L. Robinson  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I, James D. Heisman, hereby certify that on this 1<sup>st</sup> day of October, 2007, I caused a true and correct copy of the foregoing **TRUEPOSITION'S MOTION FOR ENHANCED DAMAGES AND ATTORNEYS' FEES** to be served upon the following individuals in the manner indicated below:

***Via hand-delivery***

Josy W. Ingersoll, Esq.  
Young Conaway Stargatt & Taylor, LLP  
100 West Street, 17th Floor  
Wilmington, DE 19801  
[jingersoll@ycst.com](mailto:jingersoll@ycst.com)

***Via e-mail***

Patrick D. McPherson, Esq.  
Duane Morris LLP  
1667 K Street, N.W.  
Washington, DC 20006-1608  
[PDMcPherson@duanemorris.com](mailto:PDMcPherson@duanemorris.com)

***Via e-mail***

Rachel Pernic Waldron, Esq.  
Kirkland & Ellis LLP  
200 East Randolph Drive  
Chicago, IL 60601  
[rpernicwaldron@kirkland.com](mailto:rpernicwaldron@kirkland.com)

***/s/ James D. Heisman*** .

James D. Heisman, Esq. (#2746)